

# Exhibit B

**ERO LESA Statistical Tracking Unit****For Official Use Only (FOUO)/Pre-decisional****Texas v Biden (MPP) - Reporting Requirement - 11/08/2021****ICE Removals of Expedited Removals for Oct FY2022**

<b>Case AOR</b>	<b>Total</b>
Atlanta	52
Baltimore	1
Boston	3
Buffalo	5
Chicago	15
Dallas	86
Denver	15
Detroit	5
El Paso	48
Harlingen	179
Houston	92
Los Angeles	1
Miami	34
New Orleans	350
New York City	11
Newark	3
Philadelphia	1
Phoenix	92
Salt Lake City	32
San Antonio	120
San Diego	57
San Francisco	4
Seattle	24
St. Paul	2
Washington	3
<b>Total</b>	<b>1,235</b>

**ERO-LESA Statistical Tracking Unit****For Official Use Only (FOUO)/Pre-decisional****Texas v Biden (MPP) - Reporting Requirement - 11/08/2021**

ICE Initial Book Ins in Oct FY2022 with Arresting Agency of CBP	25,080
---	--------

ICE Initial Book Ins in Oct FY2022 with Arresting Agency of CBP with a previously occurring USBP Apprehension or CBP OFO Encounter at the Southwest Border		21,628
	10/30/2021 ICE Currently Detained	9,023
	FY2022 YTD ICE Final Release	12,011
	<i>Bonded out</i>	25
	<i>Order of Recognizance</i>	8,334
	<i>Order of supervision</i>	223
	<i>Paroled</i>	3,429
	FY2022 YTD ICE Removal	268

## **ERO-LESA Statistical Tracking Unit**

### **For Official Use Only (FOUO)/Pre-decisional**

### **Texas v Biden (MPP) - Reporting Requirement - 11/08/2021**

#### **Footnotes**

FY2022 ICE Initial Book Ins data are updated through 10/30/2021 (IIDS v2.0 run date 11/03/2021; EID as of 10/30/2021).  
ICE Currently Detained National Docket data are a snapshot as of 10/30/2021 (IIDS v2.0 run date 11/03/2021; EID as of 10/30/2021).  
FY2022 ICE Final Releases data are updated through 10/31/2021 (IIDS v2.0 run date 11/03/2021; EID as of 10/31/2021).  
FY2022 ICE Removals data are updated through 10/30/2021 (IIDS v2.0 run date 11/03/2021; EID as of 10/30/2021).

USBP Apprehensions FY14 - FY22 YTD uploaded to IIDS on 11/01/2021, with FY22 apps through 10/29/2021.

Office of Field Operations (OFO) Southwest Border Operations (SBO) Enforcement Encounters Report with Subject-level details for FY22TD through 10/30/2021.

For the purpose of this report, only the most recent status for an individual who had an ICE Initial Book Ins in Oct FY2021 with Arresting Agency of CBP with a previously occurring USBP Apprehension or CBP OFO Encounter at the Southwest Border is included in the summary count. I.e., Individual with multiple initial book-ins pertinent to this litigation should have the same reported status and not be included in multiple status summary counts.

The person record for 326 ICE Initial Book Ins pertinent to this litigation could not be matched to an ICE Current Detention, ICE Final Release or ICE Removal occurring after the ICE Initial Book In date.

#### **ICE Initial Book Ins**

ICE Detention data exclude ORR transfers/facilities, as well as U.S. Marshals Service Prisoners.

All stats are pulled based on Current Program which attributes all cases back to the Program of the processing officer of the event. However, if Current Program = OPL, XXX, ZZZ, or null, then Event Program is used.

The "CBP" Arresting Agency includes the following programs: Border Patrol, Inspections, Inspections-Air, Inspections-Land, and Inspections-Sea.

ICE Initial Book Ins are matched to USBP Apprehensions and/or OFO Encounters based on subject-level details (Civilian record) where the USBP Apprehension and/or OFO Encounter occur prior to the ICE Initial Book In date. STU cannot confirm that the ICE Initial Book In is directly related to the matched USBP Apprehension and/or OFO Encounter.

Individuals may have more than one ICE Initial Book Ins relevant to this litigation. All have been included.

Individuals may have more than one USBP Apprehensions and/or OFO Encounters relevant to this litigation. The latest occurring Apprehension or Encounter is included.

#### **ICE Detained National Docket**

ICE Detention data exclude ORR transfers/facilities, as well as U.S. Marshals Service Prisoners.

ICE Initial Book Ins are matched to ICE Current Detention record based on person-level details (Person record) where the ICE Initial Book In occur prior to the ICE Current Detention date. The ICE Initial Book In may not be directly related to the matched ICE Current Detention.

#### **ICE Final Releases**

An ICE Final Release is defined as a Final Bookout that reflects one of the following release reasons: Bonded Out, Order of Recognizance, Order of Supervision, Paroled, or Prosecutorial Discretion. All Case Statuses are included.

ICE Detention data exclude ORR transfers/facilities and U.S. Marshals Service Prisoners.

ICE Initial Book Ins are matched to ICE Removal record based on person-level details (Person record) where the ICE Initial Book In occur prior to the ICE Removal date. The ICE Initial Book In may not be directly related to the matched ICE Removal.

ICE Initial Book Ins are matched to ICE Final Release record based on person-level details (Person record) where the ICE Initial Book In occur prior to the ICE Final Release date. The ICE Initial Book In may not be directly related to the matched ICE Final Release.

### **ICE Removals**

ICE Removals include Returns. Returns include Voluntary Returns, Voluntary Departures and Withdrawals Under Docket Co

ICE Removals include aliens processed for Expedited Removal (ER) or Voluntary Return (VR) that are turned over to ERO for detention. Aliens processed for ER and not detained by ERO or VR after June 1st, 2013 and not detained by ERO are primarily processed by Border Patrol.

Starting in FY2009, ICE began to “lock” removal statistics at the end of each fiscal year and counted only the aliens whose removal or return was already confirmed. Aliens removed or returned in that fiscal year but not confirmed until after the end of that fiscal year were excluded from the locked data and thus from ICE statistics. To ensure an accurate and complete representation of all removals and returns, ICE will include the removals and returns confirmed after the end of that fiscal year into the next fiscal year. The number of removals in FY2009, excluding the “lag” from FY2008, was 387,790. The number of removals in FY2010, excluding the “lag” from FY2009, was 373,440. This number does not include 76,732 expedited removal cases which ICE closed on behalf of CBP in FY2010. Of those 76,732, 33,900 cases resulted from a joint CBP/ICE operation in Arizona. ICE spent \$1,155,260 on those 33,900 cases. The number of removals in FY2011, excluding the “lag” from FY2010, was 385,145. The number of removals in FY2012, excluding the “lag” from FY2011, was 402,919. The number of removals in FY2013, excluding the “lag” from FY2012, was 363,144. The number of removals in FY2014, excluding the “lag” from FY2013, was 311,111. The number of removals in FY2015, excluding the “lag” from FY2014, was 231,250. The number of removals in FY2016, excluding the “lag” from FY2015, was 235,524. The number of removals in FY2017, excluding the “lag” from FY2016, was 220,649. The number of removals in FY2018, excluding the “lag” from FY2017, was 252,405. The Number of removals in FY2019, excluding the “lag” from FY2018, was 262,591. The number of removals in FY2020, excluding the “lag” from FY2019, was 177,516. The number of removals in FY2021, excluding the “lag” from FY2020, was 55,355.

FY Data Lag/Case Closure Lag is defined as the physical removal of an alien occurring in a given month; however, the case is not closed in EARM until a subsequent FY after the data is locked. Since the data from the previous FY is locked, the removal is recorded in the month the case was closed and reported in the next FY Removals. This will result in a higher number of recorded removals in an FY than actual departures.

All stats are pulled based on Current Program which attributes all cases back to the Program of the processing officer of the event. However, if Current Program = OPL, XXX, ZZZ, or null, then Event Program is used.

Expedited removals include cases have one of the following case categories:

[8F] Expedited Removal [8G] Expedited Removal - Credible Fear Referral, [8H] Expedited Removal - Status Claim Referral, [8K] Expedited Removal Terminated due to Credible Fear Finding / NTA Issued.

# ERO Custody Management Division

## Population Counts from October 1, 2021 through October

Source: ICE Integrated Decision Support (IIDS), 11/08/2021

IIDS is a data warehouse that contains dynamic data extracts from the Enforcement Integrated Database (EID).

FY2021 data: IIDS as of 11/08/2021; EID data through 11/06/2021

Average Daily Population is calculated by the total daily population divided by the number of days in the month

Total Daily Population includes single adults and individuals in family units

ERO is currently appropriated sufficient funding for approximately 31,500 detention beds nationwide, to support its mission to enforce immigration law. ICE is currently operating under a Continuing Resolution until December 3, 2021, and the Fiscal Year 2022 Budget has not yet passed. The Fiscal Year 2022 President's Budget, submitted to Congress, requests 30,000 adult beds and 2,500 beds for members of family units. However, it is likely to change once the final bill is passed. ICE's access to its full inventory of bedspace is severely limited due to various court orders limiting the intake of noncitizen detainees, an increase in detention facility contract terminations, detention facility contract modifications, and the ongoing COVID-19 pandemic. Specifically, ICE's Pandemic Response Requirements (PRR) for its detention facilities, which are informed by the Centers for Disease Control and Prevention's COVID-19 guidelines, require that facilities undertake efforts to reduce populations to approximately 75% capacity. Last year, the U.S. District Court for the Central District of California issued a nationwide preliminary injunction recognizing the 75% capacity limit, and ordering ICE to maintain additional strict standards to reduce the risk of COVID-19 infection. See *Fraihat v. ICE*, 445 F.Supp.3d 709 (C.D. Cal. Apr. 20, 2020). In light of these mandates, ICE's currently available bedspace inventory is only approximately 26,800 beds

### Average Daily Population for the Month of October

22,806

Date	Total Daily Population
10/1/2021	21,576
10/2/2021	21,511
10/3/2021	21,867
10/4/2021	22,583
10/5/2021	22,456
10/6/2021	22,602
10/7/2021	22,269
10/8/2021	22,365
10/9/2021	22,404
10/10/2021	22,859
10/11/2021	22,938
10/12/2021	23,052
10/13/2021	22,908
10/14/2021	22,616
10/15/2021	22,309
10/16/2021	22,435
10/17/2021	22,487
10/18/2021	22,590
10/19/2021	22,540
10/20/2021	22,815
10/21/2021	22,894
10/22/2021	22,594
10/23/2021	22,887

10/24/2021	23,305
10/25/2021	23,846
10/26/2021	23,835
10/27/2021	23,652
10/28/2021	23,597
10/29/2021	23,663
10/30/2021	23,656
10/31/2021	23,868

**r 31, 2021**